

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 835

Introduced by Agriculture Committee: Dierks, 40, Chairperson;
Chambers, 11; Cudaback, 36; Hilgert, 7; Robak, 22;
Schellpeper, 18; Schrock, 38; Vrtiska, 1; and
Connealy, 16; Jones, 43; Schmitt, 41

Read first time January 20, 1999

Committee: Agriculture

A BILL

- 1 FOR AN ACT relating to livestock; to adopt the Livestock Price
- 2 Discovery Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 9 of this act shall be known
2 and may be cited as the Livestock Price Discovery Act.

3 Sec. 2. For purposes of the Livestock Price Discovery
4 Act:

5 (1) Livestock means cattle, sheep, and swine produced or
6 fed in this state;

7 (2) Packer means any person engaged in the business of
8 slaughtering livestock in excess of five thousand animal units per
9 year based upon two hundred sixty slaughtering days;

10 (3) Person includes individuals, firms, associations,
11 limited liability companies, or corporations or employees,
12 officers, or limited liability company members thereof; and

13 (4) Production of livestock for slaughter means the
14 production of livestock for immediate use in manufacturing or
15 preparing meat or meat food products.

16 Sec. 3. It shall be unlawful for a packer purchasing or
17 soliciting livestock to discriminate in prices paid or offered to
18 be paid to persons involved in the production of livestock for
19 slaughter.

20 Sec. 4. Section 3 of this act shall not apply to the
21 sale or purchase of livestock for slaughter when the following
22 conditions are met: (a) The price differential is based on the
23 quality of the livestock, if the packer purchases or solicits the
24 livestock according to a published payment method specifying prices
25 paid based on carcass merit; (b) the price differential is based on
26 actual and quantifiable costs related to the cost of transporting
27 and acquiring the livestock; and (c) after making a differential
28 payment to a seller of livestock for slaughter, the packer

1 publishes information relating to the differential pricing,
2 including the payment method for carcass merit and the costs
3 related to transporting and acquiring the livestock.

4 Sec. 5. A packer shall provide all sellers of livestock
5 for slaughter with the same terms and conditions offered to any
6 other person who receives a differential price based on any of the
7 criteria described in section 4 of this act.

8 Sec. 6. A packer shall, at the beginning of each day in
9 which livestock are purchased, post in a conspicuous place at the
10 point of delivery, all prices for livestock to be paid that day.

11 Sec. 7. An agreement made by a packer in violation of
12 section 3 is voidable by the seller of livestock for slaughter.

13 Sec. 8. Whenever the Attorney General has reason to
14 believe that a packer is violating section 3 of this act, he or she
15 shall commence an action in district court to restrain a packer
16 from violating such section. A seller who receives a
17 discriminatory price or who is offered only a discriminatory price
18 for livestock based upon a violation of these provisions by a
19 packer has a civil cause of action against the packer and, if
20 successful, shall be awarded damages.

21 Sec. 9. The Attorney General, for the enforcement of the
22 Livestock Price Discovery Act shall have the authority to subpoena
23 witnesses, compel their attendance, examine them under oath, and
24 require the production of documents, records, or tangible things
25 deemed relevant to the proper performance of his or her duties.
26 Service of any subpoena shall be made in the manner prescribed by
27 the rules of civil procedure.